

REMARKS

This paper is responsive to non-final Office action dated June 20, 2003. Claims 1-29 were examined. Claims 1-7 and 10-29 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,370,148 to Calvignac et al. Claims 1, 8, 9, 25, and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Calvignac et al.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-7 and 10-29 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Calvignac. Claim 1 has been amended to recite

each request priority being determined according to at least a resource priority, resource priority being inversely related to a number of requests made for a particular resource.

The Office Action admits, with reference to claim 8, 9, 25, and 26 that Calvignac fails to teach "assigning priority to each requested resource according to resource priority." Although the Office Action says it would be obvious to do so, there is no reference of record teaching that approach. Accordingly, amended claim 1 is patentable over the art of record.

Claim 13 has been amended to recite

allocating respective resources to respective requesters according to priorities determined by at least a number of requests directed to each of the resources.

The Office Action admits, with reference to claim 8, 9, 25, and 26 that Calvignac fails to teach "assigning priority to each requested resource according to resource priority." Although the Office Action says it would be obvious to do so, there is no reference of record teaching that approach. Accordingly, amended claim 13 is patentable over the art of record.

Claim 15 has been amended to recite

means for allocating requests according to at least resource priority.

The Office Action admits, with reference to claim 8, 9, 25, and 26 that Calvignac fails to teach "assigning priority to each requested resource according to resource priority." Although the Office Action says it would be obvious to do so, there is no reference of record teaching that approach. Accordingly, amended claim 15 is patentable over the art of record.

Claim 19 has been amended to recite

an arbiter coupled to receive a plurality of requests from the requesters, each of the requests requesting at least one of the resources, the arbiter allocating resources to requesters according to at least a resource priority, the resource priority being inversely related to a number of requests directed to respective resources.

The Office Action admits, with reference to claim 8, 9, 25, and 26 that Calvignac fails to teach "assigning priority to each requested resource according to resource priority." Although the Office Action says it would be obvious to do so, there is no reference of record teaching that approach. Accordingly, amended claim 19 is patentable over the art of record.

Claim 23 has been amended to recite

allocating resources among the requesters as a function of a number of requests made, wherein the function of the number of requests utilizes, at least in part, how many requests made for each resource.

The Office Action admits, with reference to claim 8, 9, 25, and 26 that Calvignac fails to teach "assigning priority to each requested resource according to resource priority." Although the Office Action says it would be obvious to do so, there is no reference of record teaching that approach. Accordingly, amended claim 23 is patentable over the art of record.

Claim 27 has been amended to recite
code executable to allocate respective resources to
respective requesters according to priorities
determined by at least a number of requests directed
to each of the resources.

The Office Action admits, with reference to claim 8, 9, 25, and 26 that Calvignac fails to teach
“assigning priority to each requested resource according to resource priority.” Although the
Office Action says it would be obvious to do so, there is no reference of record teaching that
approach. Accordingly, amended claim 27 is patentable over the art of record.

Claims 7 and 24 have been cancelled. The limitations of claim 25 have been
incorporated into claim 23 and claim 25 has been cancelled. Applicants respectfully submit that
amended independent claims 1, 13, 15, 19, 23, and 27 are allowable over the art of record.
Accordingly, Applicants respectfully request that the rejection of claims 1, 13, 15, 19, 23, and
27, and all claims dependent thereon, be withdrawn.

Claim Rejections Under 35 U.S.C. § 103

Claims 8, 9, 25, and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable
over Calvignac. The Office Action states that “[t]he rejection of claim 1 also stands in this
rejection.”

Regarding claim 1, the Office Action fails to establish a *prima facie* case of obviousness.

To establish a *prima facie* case of obviousness, three basic criteria must be met.
First, there must be some suggestion or motivation, either in the references
themselves or in the knowledge generally available to one of the ordinary skill in
the art, to modify the reference or to combine reference teachings. Second, there
must be a reasonable expectation of success. Finally, the prior art reference (or
references when combined) must teach or suggest all claim limitations.

See MPEP § 2143 (emphasis added). Applicants respectfully submit that Calvignac, fails to
teach or suggest, and the Office Action fails to provide a reference that teaches or suggests,


determining respective request priorities
corresponding to respective requests for respective

resources made by respective requesters, each request priority being determined according to at least a resource priority being inversely related to a number of requests made for a particular resource


as recited by claim 1. Accordingly, Applicants respectfully request that the rejection of claim 1, and all claims dependent thereon, be withdrawn.

In addition, Applicants respectfully submit that claims 8, 9, and 26 depend from allowable independent claims. Accordingly, Applicants respectfully request that the rejection of claims 8, 9, and 26 be withdrawn.

In summary, claims 1-6, 8-23, and 26-29 remain in the case. Claim 30 is added. Claims 1, 9, 13, 15, 16, 19, 23, and 27 have been amended. Claims 7, 24, and 25 have been cancelled. All claims are believed to be allowable over the art of record, and a Notice of Allowance to that effect is respectfully solicited. Nonetheless, if any issues remain that could be more efficiently handled by telephone, the Examiner is requested to call the undersigned at the number listed below.

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 Nicole Teitler Cave	9/22/03 Date

Respectfully submitted,


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